

Preliminary Amendment

Applicant: Leo W. Spychalla

Serial No.: 10/725,259

Filing Date: December 1, 2003

Docket No.: 10413US01

Title: DATA STORAGE CARTRIDGE WITH HARD DRIVE AND ALIGNMENT FEATURE

REMARKS

This Preliminary Amendment is concurrently filed with the accompanying Request for Continued Examination under 37 C.F.R. § 1.114. The Request for Continued Examination follows the Advisory Action mailed August 10, 2005, and the Final Office Action mailed May 26, 2005. Applicant requests Non-Entry of the Amendment and Response under 37 C.F.R. 1.116 filed July 27, 2005.

Claims 1-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lu et al., U.S. Patent No. 6,317,317 ("Lu"), and claims 18-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lu in view of Crockett, U.S. Patent No. 6,061,231 ("Crockett"). With this Preliminary Amendment, claims 1, 8, 16, and 18 have been amended. It is believed that the newly presented claims are in condition for allowance.

In particular, each of independent claims 1 and 18 have been amended to respectively recite a housing including a polymeric material and maintaining a hard drive and a cartridge formed of a polymeric material wherein a hard drive is placed in the cartridge. The cited references fail to teach such limitations. For example, Lu discloses an upper cover 10 and a lower cover 30 collectively forming a cartridge 1 for housing a hard disc 20. Each cover 10, 30 is made of metal "to prevent the electromagnetic wave produced in operation of the hard disc 20 from escaping" the insertion cartridge (column 2, lines 29-32; abstract). Therefore, Lu fails to disclose a housing including or a cartridge formed of a non-metal material, such as a polymeric material as recited in amended independent claims 1 and 18. In addition, given the disclosed use of metal to prevent the escape of electromagnetic waves, Lu teaches away from modifying covers 10, 30 to be formed of or to include any non-metal material since use of such materials would render the cartridge of Lu unsatisfactory for its intended purpose of preventing the escape of the electromagnetic waves from the cartridge. Since Lu teaches away from modification of covers 10, 30 to include or be formed of a non-metal material, there is no suggestion to combine Lu with any other reference that teaches covers formed of or including a polymeric material as recited in independent claims 1 and 18. Therefore, amended independent claims 1 and 18 are believed to be allowable over the cited references and withdrawal of the associated rejections is respectfully requested.

Preliminary Amendment

Applicant: Leo W. Spychalla

Serial No.: 10/725,259

Filing Date: December 1, 2003

Docket No.: 10413US01

Title: DATA STORAGE CARTRIDGE WITH HARD DRIVE AND ALIGNMENT FEATURE

Each of dependent claims 2-17, 19, and 20 depend from one of amended independent claim 1 or amended independent claim 18, which, as described above, are each believed to be allowable over the cited references. Consequently, dependent claims 2-17, 19, and 20 are also believed to be allowable over the cited references, and withdrawal of the associated rejections is requested.

In addition, with this Preliminary Amendment, dependent claim 8 has also been amended. In particular, dependent claim 8 recites an alignment feature of the housing including "an alignment rib defining a substantially planar surface extending in a direction substantially perpendicular to the access window, the alignment rib being configured to align the at least one electrical connection point relative to the access window in the Y-direction." As recited in the Final Office action, Lu fails to teach the use of alignment features (paragraph 2). In addition, any such alignment features disclosed in Crockett, such as second support members 20 or posts 52, are circular and cylindrical members that do not define a substantially planar surface, nevertheless, a substantially planar surface extending in a direction substantially perpendicular to the access window as recited in dependent claim 8. Therefore, none of the cited references teach or otherwise suggest the recited features of amended dependent claim 8, which further supports allowability of dependent claim 8.

With this Preliminary Amendment, dependent claim 16 has also been amended to recite the at least one alignment feature including an attachment pillar, an alignment post, and an alignment rib each having different geometries. As stated in the Final Office Action, Lu fails to teach the use of alignment features. Crockett also fails to teach or otherwise suggest these features of claim 16. In particular, in the Crockett embodiment of Figure 1, each of the features 20 included within the housing 12 are identical, and therefore do not define three alignment features each having "a different geometry" as recited in independent claim 16. A similar argument can be made with respect to the identical members 52 illustrated in the Crockett embodiment of Figure 2. Therefore, none of the cited references teach or otherwise suggest the recited features of amended dependent claim 16, which further supports allowability of dependent claim 16.

Preliminary Amendment

Applicant: Leo W. Spychalla

Serial No.: 10/725,259

Filing Date: December 1, 2003

Docket No.: 10413US01


Title: DATA STORAGE CARTRIDGE WITH HARD DRIVE AND ALIGNMENT FEATURE

CONCLUSION

In light of the above, Applicant believes independent claims 1 and 18 and the claims depending therefrom to be in a condition for allowance. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-20 is respectfully requested.

The Examiner is invited to contact Applicant's representative at the below-listed telephone number if there are any questions regarding this Preliminary Amendment.

Respectfully submitted,

Date: 8/26/05
Eric D. Levinson
Reg. No. 35,814

Imation Legal Affairs
P.O. Box 64898
St. Paul, MN 55164-0898
Telephone: (651) 704-3604
Facsimile: (651) 704-5951